

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

Benjamin C. Riggs, Jr.,
d/b/a Resource Management Company

v.

Civil No. 06-cv-366-JD

Janet Peshong, Personal
Representative for the Estate
of Frank Gregory

Procedural Order

Benjamin C. Riggs, doing business as Resource Management Company, filed a motion for summary judgment on the counterclaim asserted by Janet Peshong, Personal Representative for the Estate of Frank Gregory. Peshong filed her objection on August 7, 2008. Riggs has notified the court that he intends to file a reply. Peshong may then move for leave to file a surreply.

The final pretrial conference in this case is scheduled to be held on Tuesday, September 2, 2008. The trial is scheduled for the trial period beginning on Tuesday, September 16, 2008. The pending motion for summary judgment, however, cannot be addressed until after Riggs files his reply and Peshong has an opportunity to move for leave to file a surreply. Therefore, the trial must be rescheduled to allow the court adequate time to consider the motion before trial.

Conclusion

For the foregoing reasons, the final pretrial conference and the trial in this case are continued and will be rescheduled following the order on the pending motion for summary judgment.

SO ORDERED.

/s/Joseph A. DiClerico, Jr.
Joseph A. DiClerico, Jr.
United States District Judge

August 13, 2008

cc: Benjamin C. Riggs, Jr., pro se
Peter G. Callaghan, Esq.